



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 06 2006

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steve Tinnemeier, Facility Manager
EQ North Carolina
1005 Investment Blvd
Apex, North Carolina 27502

RE: Notice of Unacceptability pursuant to the CERCLA Off-Site Rule
EQ North Carolina
EPA ID Number NCD 982 170 292

Dear Mr. Tinnemeier:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4 has determined that conditions may exist at the **EQ North Carolina (EQ) facility, located at 1005 Investment Blvd. in Apex, NC**, which may render this facility unacceptable for the receipt of CERCLA Off-Site waste. The CERCLA Off-Site waste to which this Notice of Unacceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA waste by facilities is regulated by the Off-Site Rule (OSR) found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

On October 5, 2006, EQ experienced a fire in their permitted hazardous waste storage building which caused such damage to that building that the facility can no longer receive or manage hazardous waste from any source. Since EQ does not have the physical capacity to store or otherwise manage hazardous waste, then EPA must make the determination that EQ can not receive CERCLA OSR hazardous waste. Because this condition is extant as of the date of this letter and is expected to continue for months to come, this determination of unacceptability is **effective immediately**. EQ will remain unacceptable until such time as EPA notifies the owner/operator otherwise.

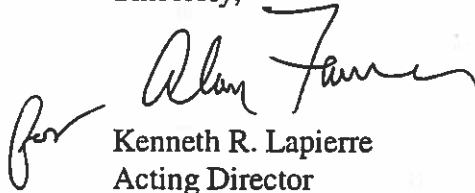
The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. **The written request for an informal conference must be made within ten (10) calendar days from the date of this notice.** Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the date

of this notice, if possible. During the informal conference EQ may discuss with EPA the basis for the underlying violations, and their relevance to the facility's acceptability to receive CERCLA cleanup waste.

EQ may submit written comments within thirty (30) days from the date of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA. If EQ takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames to EPA for review by responsible officials, EPA will inform EQ of its decision after the informal conference and review of comments. Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an acceptable determination, EQ may request that the unacceptable determination be reconsidered by the Regional Administrator (RA). The reconsideration will be conducted within sixty (60) calendar days of the date of the initial notice, if possible. The owner/operator will receive notice in writing of the decision of the RA.

EQ may be reconsidered for acceptability in the future when EQ has the physical facilities to manage hazardous waste, has a permit for the management of hazardous waste, and has resolved all issues which led to the recent fire. If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at cowart.jack@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken" followed by a stylized name, likely Kenneth R. Lapierre.

Kenneth R. Lapierre
Acting Director
RCRA Division

Enclosure

cc: Mike Brailsford, NC-DENR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 28 2003

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steve Tinnemeier, *Facility Manager*
Operations Manager
EQ North Carolina
1005 Investment Blvd.
Apex, North Carolina 27502

SUBJ: Notice of Acceptability pursuant to the CERCLA Off-Site Rule
EQ North Carolina
EPA ID Number NCD 982 170 292

Dear Mr. Tinnemeier:

The U.S. Environmental Protection Agency, Region 4 (EPA) has made an affirmative determination of acceptability for the receipt of CERCLA Off-Site waste at EQ North Carolina in Wake County. This hazardous waste facility is physically located at 1005 Investment Blvd, Apex, North Carolina, 27502; and has EPA ID number NCD 982 170 292.

The CERCLA Off-Site wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases and/or relevant violations at the facility. EPA believes that affirmative determinations of "compliance" and "control of releases" are necessary before a facility may be deemed acceptable for the receipt of CERCLA wastes.

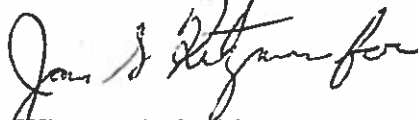
Pursuant to 40 C.F.R. § 300.440(a)(4) of the Off-Site Rule, EPA has completed an initial assessment of the facility, and finds that **EQ North Carolina is acceptable for the receipt of CERCLA Off-Site waste.**

This affirmative determination for EQ North Carolina is based on information recently provided by the Resident Inspector for the State environmental programs governing this facility. Therefore, **effective upon receipt of this letter** the facility is acceptable to receive hazardous CERCLA Off-Site waste.

EPA would like to make it clear that this affirmative determination of acceptability does not, and can not, grant any facility the right or authority to exceed its permit provisions; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA Off-Site status for a facility is dynamic in nature and is subject to change. EPA reserves its right to rescind this Notice of Acceptability pursuant to the Off-Site Rule if necessary. If you have any questions concerning this matter, please contact Jack Cowart, of my staff, at (404) 562-8591 or cowart.jack@epa.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Winston A. Smith", written over a horizontal line.

Winston A. Smith

Director

Waste Management Division

cc: Mike Brailsford, NC DENR